IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2185 OF 2005

Dayan Abdul Mannan Shaikh ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Shri J. B. Kocheta for the Petitioner .
Shri K.V. Saste, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : OCTOBER 26, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Petitioner and the learned A.P.P. for the State.

2. The submission of the learned Advocate for the Petitioner is that the impugned order of externment is excessive in as much as though the alleged prejudical activities of the Applicant are confined to the jurisdiction of Shivaji Nagar Police Station in Mumbai, the order of externment relates to the districts of Mumbai, Mumbai suburban, Navi Mumbai, Thane and Raigad. Reliance is placed on a decision of this Court dated 22nd September, 2005 in Criminal Writ Petition No.548 of 2005 and other connected matters. The learned A.P.P. opposed the Petition by pointing out the material against the Petitioner.

3. I have considered the submissions. In view of

the decision of this Court in Criminal Writ Petition No.548 of 2005 and other connected matters, it is apparent that the order of externment is excessive as it also relates to district Raigad. There is no factual foundation in the order for extending the order to district Raigad. No specific reasons are assigned for extending the order to Raigad District. The area to which the order of externment is to operate must be chosen with a view to meet the situation created by the objectionable acts of the person sought to be externed. Mere geographical proximity of district Raigad is no ground to extend the order to district Raigad. In view of the said decision of this Court, it will have to be held that the order of externment is excessive. Thus, order deserves to be quashed only on this ground.

4. Hence, I pass the following order:

: O R D E R :

i) Rule is made absolute in terms of prayer clauses (b) and (c).

JUDGE